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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/608,044	06/30/2000	Chandrasekhar Narayanaswami	13579 (YOR9-2000-0236)	1092

7590 02/28/2007
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400 Gardern City Plaza
Garden City, NY 11530

EXAMINER

GARY, ERIKA A

ART UNIT	PAPER NUMBER
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2617

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/28/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/608,044

Applicant(s)

NARAYANASWAMI,
CHANDRASEKHAR

Examiner

Erika A. Gary

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 February 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-32 are rejected under 35 U.S.C. 102(e) as being anticipated by Ran et al., US Patent Number 6,209,026 (hereinafter Ran).

Regarding claims 1, 13, and 23, Ran discloses a system (method and program) for communicating data to a wearable appliance including a wireless data receiver device for receiving wireless data communications, said system comprising: a first communications sub-system enabling a user to initiate an asynchronous request for data to be communicated to said wearable appliance at a user-specified future time; a second communications sub-system including a wireless data transmission channel for communicating data to said wearable appliance; and a server control device for receiving said data requests via said first communications sub-system and, in response to said request, retrieving said requested data for said user and assembling said retrieved data in a form suitable for communication via said second communications sub-system, whereby a user asynchronously demands said data transfer from said first communications sub-system and receives a data transmission via said second

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communications sub-system in synchronism with user availability at said user-specified future time without requiring further user participation during said transmission [col. 1: lines 31-46, 59-64; col. 6: lines 17-25, 42-46].

Regarding claims 2, 14, and 24, Ran discloses said request includes a user identification code for uniquely identifying the user's wearable appliance and ensuring proper data transmission thereto [col. 2: lines 30-40].

Regarding claims 3, 15, and 25, Ran discloses said server device includes mechanism for generating a personalized menu comprising user selections of types of data to be transmitted based on said user identification code [col. 2: lines 54-62].

Regarding claims 4, 16, and 26, Ran discloses wherein said second first communications sub-system comprises a telephone system including a telephone keypad, said user identification code comprising a sequence of one or more dual-tone multi-frequency DTMF signals entered by said user via said telephone keypad [col. 2: lines 4-17; col. 5: lines 1-5].

Regarding claims 5, 17, and 27, Ran discloses wherein said server control device includes mechanism responsive to said user identification code for retrieving said personalized menu of types of data to be transmitted and generates a voice transmission for presenting said personalized menu selections to said user via said telephone system [col. 2: lines 4-17; col. 5: lines 1-5].

Regarding claims 6, 18, and 28, Ran discloses wherein said user selects a type of data to be transmitted via said telephone keypad, said server control device includes

mechanism for receiving DTMF signals and interpreting said DTMF signals for association with said user menu selection [col. 2: lines 4-17; col. 5: lines 1-5].

Regarding claims 7, 19, and 29, Ran discloses wherein said fast communications sub-system comprises a personal computing device implementing a Web browser for accessing and communicating with said server control device via Web-based communications, wherein said user identification code comprises entry of a password entry via a keyboard device entered in a Web page [col. 2: lines 18-40].

Regarding claims 8, 20, and 30, Ran discloses wherein said server control device includes mechanism responsive to said user identification code for retrieving said personalized menu of types of data to be transmitted and generates a Web-based communication for receipt by said user Web browser to present said personalized menu [col. 2: lines 31-53].

Regarding claims 9, 21, and 31, Ran discloses wherein said user selects a type of data to be transmitted via a mouse device by clicking a menu choice presented on a Web page [col. 6: lines 42-45].

Regarding claim 10, Ran discloses wherein said second communications sub-system comprises a paging network [col. 6: lines 17-25].

Regarding claim 11, Ran discloses wherein said second communications sub-system comprises a Bluetooth wireless communications network [col. 2: lines 4-17].

Regarding claims 12, 22, and 32, Ran discloses wherein said second communications sub-system communicates said requested data to said wearable appliance at a requested future time, said wearable appliance including alarm

mechanism for placing said wireless data receiver device in a receive mode for receiving said wireless data communications at said requested time [col. 6: lines 17-25].

Response to Arguments

3. Applicant's arguments filed 1/8/07 have been fully considered but they are not persuasive. Applicant argues that Ran does not teach a user-specified future time. However, the Examiner respectfully disagrees as Ran teaches that the user can request data to be sent at a user-defined frequency [col. 1: lines 59-64; col. 6: lines 17-25, 42-46].

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Liebesny et al., US Patent Number 5,131,020, disclose a method and system for providing continually updated traffic or other information to telephonically and other communications-linked customers.

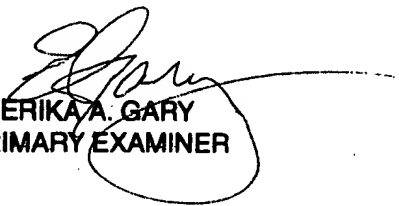
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erika A. Gary whose telephone number is 571-272-7841. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Appiah can be reached on 571-272-7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

EAG
February 22, 2007


ERIKAY A. GARY
PRIMARY EXAMINER